

REMARKS

This Amendment is fully responsive to the final Office Action dated March 16, 2009, issued in connection with the above-identified application. Claims 22-28, 31-37, 40, 42 and 43 are pending in the present application. By this Amendment, claims 40 and 42 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

The Applicants thank Examiner Tang for granting the telephone interview (hereafter “interview”) with the Applicants’ representative on April 14, 2009. During the interview, the objection to claim 42 and the rejection to claim 40 under 35 U.S.C. 101 were discussed in detail. Proposed claim amendments to the specification and claims 40 and 42 were also discussed. At the conclusion of the interview, an agreement was reached that the proposed amendments to the specification and the claims would likely place the application in condition for allowance.

In the Office Action, claim 42 is objected to because of a lack of clear support or antecedent basis in the Applicants’ specification for the term “computer-readable medium.” The Applicants have amended the specification as follows:

“[t]he present invention can be realized not only as the above mentioned operation history utilization system, but also as follows: an operation history utilization method including the characteristic components of the system as steps; a single device or a single service provision apparatus included in the operation history utilization system; a program executed by a personal computer and the like; and a computer-readable storage medium in which the program is stored, such as CD-ROM.” (Emphasis added).

Additionally, claim 42 has been amended to be consistent with the changes made to the specification. As amended, claim 42 now recites “[a] program stored on a computer-readable storage medium....” (Emphasis added).

The amendments to the specification and claim 42 are consistent with the amendments discussed during the interview on April 14, 2009. The Applicants assert that claim 42 is now clearly supported by the Applicants’ disclosure. Withdrawal of the objection to claim 42 is now respectfully requested.

In the Office Action, claim 40 is rejected under 35 U.S.C. 101. Specifically, the Examiner alleges that the service provision apparatus recited in the claims is software *per se*, which does not fall into one of the four enumerated categories of patentable subject matter. Again the Applicants have amended claim 40 to be consistent with the amendments discussed during the interview conducted on April 14, 2009. That is, claim 40 has been amended to recite:

“...at least one hardware processor and a memory device, the memory device storing a program that causes the service provision apparatus to operate as:...”

As amended, claim 40 now includes sufficient structure such that the claim falls within one of the four enumerated categories of patentable subject matter. Withdrawal of the rejection to claim 40 under 35 U.S.C. 101 is respectfully requested.

In the Office Action, claims 22-28, 31-37 and 43 have been indicated as allowable; and no prior art rejections have been made to the claims.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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